IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 517 of 1993

with

CIVIL APPLICATION No 5125 of 1993

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STATE OF GUJARAT

Versus

SWISS HEALTH FOODS PVT. LTD. & ANR.

Appearance:

1. Appeal from Order No. 517 of 1993

MR MUKESH PATEL A.G.P. for Appellant No.

MR DAGLI for MR YOGESH S LAKHANI for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 13/01/2005

ORAL JUDGEMENT

1. This Appeal from Order is directed against the

judgment and order dated 1st November, 1993 below Exh.5 in Special Civil Suit No. 910 of 1993, passed by the 3rd Joint Civil Judge (S.D.) Baroda, whereby the trial Court has stayed the order of cancellation of the licence.

2. I have heard the learned advocates for the respective parties and have perused the relevant record. This Court while admitting the Appeal from Order had stayed the order passed by the trial Court on the statement made by the learned advocate for the respondents. The said order reads as under :-

> "Mr. Lakhani learned advocate for the respondents states that the respondent no. 1 at present is not manufacturing wine series choclates and it does not propose to manufacture the same in future till, the diposal of the suit.
>
> It will be open for the applicants to take samples of sweets and toffes manufacture by respondent no. 1 and to send it for analysis to the Director, Central Food Laboratory, Gaziabad (U.P.) and if the report is found adverse to the respondents, it will be open for the applicants to take appropriate action against the respondents in accordance with law. The respondnets will give fullest co-operation to the applicants when the officers come to take the samples. In view of the above, interim relief is refused."

3. Looking to the facts and circumstances of the case, I am of the opinion that ends of justice would be met if the Trial Court is directed to expedite the hearing of the said Suit, if it has not been disposed of and also that the suit is of the year 1993.

4. Therefore, without entering into the merits of the matter, the Trial Court is directed to expedite the Special Civil Suit No.910 of 1993, and shall disposed of the same as expeditiously as possible, preferably within a period of one year from the date of receipt of writ of this order.

5. With the above observations and directions, the Appeal from Order stands disposed of. The statement made by the respondent vide order dated 3rd December, 1993 shall continue till the suit is finally disposed of.

CIVIL APPLICATION No 5125 of 1993

In view of the order passed in the Appeal from Order, no orders on this Civil Application. The Civil Application stands disposed of accordingly.

[K.S. JHAVERI, J.]

/phalguni/